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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/130,818	08/07/1998	YOSHIYUKI TANAKA	5702D-6844	6857

26021 7590 07/26/2002

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EXAMINER

ROBERTSON, DAVID L

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 07/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

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22

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 4/12/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-10, 13-17 & 19-22 is/are pending in the application.
- Of the above, claim(s) 1-9, 13-16 & 22 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 10, 17 & 19-21 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☒ The proposed drawing correction, filed on 11/14/01 is ☒ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 21
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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This Office action is in response to the CPA filed April 12, 2002 and the IDS filed April 29, 2002.

The proposed drawing corrections to figure 5, filed November 14, 2001 has been approved. See the previous Office actions for comments regarding figures 17 and 18, which are still deficient.

The substitute specification filed November 14, 2001 is noted, but it has not been entered. The submission is of improper form, in that only a marked-up copy showing the changes has been submitted.

Should applicants decide to continue prosecution of the present application, appropriate correction of the specification will still be required. However, due to the changes in 37 C.F.R. § 1.121, a substitute specification is no longer required by the examiner.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10, 17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shinohara. The Shinohara reference teaches a method for controlling a memory where the memory includes logical blocks managed by the system (see Abstract), physical blocks for storing data (see figure 3, "Sector Data 1", "Sector Data 2", etc.) and redundant divisions included in corresponding physical blocks storing addresses (see figure 3, "Sector ID 1", "Sector ID 2", etc.). The reference further teaches physical block areas formed of at least two physical blocks (see figure 3, "Block ID"). The reference also teaches that the logical to physical translation table (see figure 2) manages corresponding relationships between the logical blocks and physical block areas (e.g., "Block ID") (claims 10 and 19). The logical to physical translation table is formed and managed in accordance with accesses from a host (see figure 6) (incremental material of claims 17 and 20).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara in view of applicants' admitted prior art. The Shinohara reference has been discussed above. It does not discuss replacing "defective" physical blocks (though it does discuss managing "spare" blocks). Applicants' admitted prior art includes a marker to identify the status of a block (see figure 5, block status area, byte 261). The admitted prior art clearly managed the defective blocks as claimed. Since it was known for blocks to be defective, either from manufacturing defects or

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subsequent failure, it would have been obvious to apply the admitted prior art defect managing function to the memory system of Shinohara to provide for proper extended operation even when a number of blocks are defective, as was known to be desirable.

Applicants' arguments filed November 14, 2001 have been fully considered but they are not persuasive. Contrary to applicants' assertions, figures 17 and 18 are not clear, either by themselves, or in light of the specification. As noted in the advisory action mailed November 29, 2001, the examiner considers that the existence of a logical to physical translation table anticipates "the claimed step of forming a logical address/physical address translation table for managing a corresponding relationship between the logical blocks and the physical block areas." The plain language of applicants' claim defines "said physical blocks [*as*] comprising a plurality of memory cells." Thus, the distinctions made by applicants between blocks and sectors are not supported by the claims as presently written. Additionally, the address table of the applied art, being subdivided into finer divisions that disclosed by applicants, nevertheless maps the relationship between logical and physical blocks, even if additional information (e.g., a finer degree of correspondence) is included. As an example, a system that groups mailing addresses by zip codes (presuming that zip codes do not cross state boundaries) anticipates a system that groups mailing addresses by state, since any particular zip code automatically maps to a specific state without ambiguity.

This is a CPA of applicants' earlier application with the same application number. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered

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in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7238, (for formal after final communications to Technology Center 2100; please mark "EXPEDITED PROCEDURE")

Or:

(703) 746-7240 (for informal or draft communications to Technology Center 2100, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

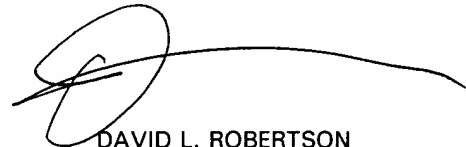
Any inquiry of a general nature or relating to the status of this application should be directed to the technology center receptionist whose telephone number is **(703) 305-3900**.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Robertson whose telephone number is (703) 305-3825.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Do Yoo, can be reached at 308-4908. **The fax number for Technology Center 2100 for Official communications is (703) 746-7239.**

Communications which are not application specific may also be posted on e-mail at *David.Robertson@USPTO.gov*.



DAVID L. ROBERTSON
PRIMARY EXAMINER
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